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http://www.pharostribune.com/opinion/editorials/article_0e5f698a-bdc3-5422-92c8-ac50a5204346.html

Editorial: Grand jury v. jury trial

In the wake of Monday's announcement of no indictment of Ferguson, Missouri, police officer Darren Wilson in the Aug. 9 shooting of unarmed African American teenager Michael Brown, there have been many points of confusion on all sides. One misunderstanding is Wilson was found not guilty. It is probably due to simple reflex based on past history that has caused the lack of clarity with some. Reactions to similar cases in the past, including that of Trayvon Martin and Rodney King, were the results of trials. This one was not.

"Grand jury proceedings are conducted in secret, and the defense does not have an opportunity to present witnesses, cross-examine the prosecutor's witnesses or present evidence that rebuts the prosecutor's theory of the case," wrote Denver attorney Douglas Richards on his website. "Jury trials ... are public. Jurors may hear from the defense, allowing them to make an informed decision. A grand jury will be assembled for a term varying from a few weeks to a few months. During this time the grand jury may hear about a specific investigation or may hear evidence from dozens of cases. A trial jury will only hear evidence pertaining to one defendant."

As Richards rightly points out, the most important difference is the point of each: grand juries decide whether someone should be charged, and jury trials determine guilt.

The grand jury in the Ferguson shooting was much different than usual. The New York Times has developed an excellent explainer on the Brown case that can be found at nyti.ms/1lZgZeG. In it, the paper highlights some important differences between the average Missouri grand jury and this case.

“A typical case tends to be presented to a grand jury in about one day,” it states. “The grand jurors in the Wilson case met for 25 days over three months. A prosecutor usually provides a charge or range of charges, then asks the grand jury to indict based on those options. The St. Louis County prosecutor, Robert P. McCulloch, did not recommend ... charges against Wilson. A grand jury generally hears testimony from a few people, often the police investigators who have interviewed witnesses and examined the physical evidence. In Wilson’s case, 60 witnesses were called, and the grand jury heard extensive testimony from investigators, who showed pictures of the scene and described it in detail. The grand jury does not usually hear testimony from the individual who may be charged. Wilson testified for four hours. Under Missouri law, grand jury activity is usually secret, although evidence from it can be submitted at a later trial. McCulloch released all the evidence and testimony after the grand jury decided not to indict Wilson.”

No matter how you feel about this case, understanding the difference between a jury trial and a grand jury, especially this one, is essential to speaking intelligently on this case.